

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

TAMMY JOAN LEWALLEN,

Plaintiff

VS.

ANDREW SAUL,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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CIVIL ACTION FILE NO.:

COMPLAINT

COMES NOW Tammy Joan Lewallen, hereinafter referred to as Plaintiff, by and through her attorney, John V. Hogan, and brings this action against the Defendant as captioned, and respectfully shows:

1.

Plaintiff is a citizen of the United States of America and a resident of Hall County, Georgia.

2.

Defendant is the Commissioner of the Social Security Administration.

3.

Jurisdiction of this Court is evoked under Sections 205(g) and 1631(c)(3) of the Social Security Act, as amended, (Sections 405(g) and 1383(c) of Title 42 of the United States Code) this being an action authorized by law for review of Defendant's final administrative decision denying Plaintiff disability benefits under the Social Security Act, as amended.

4.

Plaintiff applied for disability benefits under Title XVI of the Social Security Act by way of application filed February 13, 2018 and for disability benefits under Title II of the Social Security Act on February 16, 2018.

5.

Plaintiff alleged that she became disabled as of January 28, 2016.

6.

Plaintiff has not been engaged in substantial gainful activity at any time subsequent to her alleged onset date.

7.

Plaintiff met the insured status requirements for entitlement to disability benefits under Title II of the Social Security Act as of the alleged onset date, and through the date of the administrative law judge's decision.

8.

Plaintiff shows that at all times from the alleged onset date, through the date of the ALJ decision, she was under a disability as defined in sections 216(i) and 223(d) of the Social Security Act, as amended [42 U.S.C. §§ 426(i) and 423(d)]. Plaintiff was disabled due to severe medically determinable impairments *including* lumbar degenerative disc disease, degenerative joint disease of both hips, morbid obesity, migraine headaches, a bipolar disorder and post-traumatic stress disorder.

9.

Plaintiff's aforesaid applications were denied at the initial and reconsideration levels.

After an administrative law judge hearing, a written decision was issued February 3, 2020 denying the claims.

10.

Appeals Council review was requested in a timely manner; and denied by way of notice dated November 6, 2020.

This determination by the Appeals Council is the Defendant's final administrative decision.

11.

Defendant's decision is not supported by substantial evidence.

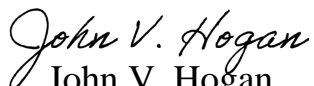
12.

Defendant's decision is based upon errors of law.

WHEREFORE, Plaintiff requests:

- (a) That this Court find there was not substantial evidence to support Defendant's decision that Plaintiff was not disabled, and reverse said decision;
- (b) That this Court find Defendant's decision that Plaintiff was not disabled is based upon error of law and reverse said decision; and
- (c) That this Court grant such other and further relief as appears just and proper.

Respectfully submitted this 11th day of December 2020.


John V. Hogan
GA Bar No. 359936
Attorney for Plaintiff

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